IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.13159 of 2008
SUBHASH KUMAR YADAV @ SUBHASH YADAV
Versus
THE STATE OF BIHAR

03/ 03.09.2008 Heard.

The case under Section 302 of the IPC. The petitioner is not named in the FIR. The case relates to causing death of a child and concealment of the dead body by straw. The dead body was detected one day after the disappearance of the child and one witness after three months of the occurrence projected himself as an eye witness of the part of the occurrence that he saw the present petitioner taking the boy on his shoulder. Other witnesses in the case diary do not appear telling anything except expressing their suspicion that it could be the petitioner.

WEB COPY NOT OFFICIAL

The simple contention is that if the witness had seen the present petitioner three months prior to his statement, carrying the child on his shoulder, it was expected that the name of the petitioner should have appeared in the FIR.

Let petitioner Subhash Kumar Yadav @ Subhash Yadav be released from custody on furnishing a

bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 150 of 2007.

DKS/ **(Dharnidhar Jha, J)**

WEB COPY NOT OFFICIAL